

Community Development Commission

August 21, 2006

TO: Each Supervisor

FROM: Carlos Jackson, Executive Director

Robert A. Glavin

**SUBJECT: MEMO FROM C.R. TILLMAN REGARDING ELECTION
OF WEST ALTADENA PROJECT AREA COMMITTEE**

The Board of Supervisors, after a public hearing on February 22, 2000, adopted the Procedure for Formation of the Project Area Committee and Procedures for Election of Members Thereof for the West Altadena Redevelopment Project Area (Procedures). The CDC followed the Procedures for three previous elections, each of which was appealed by C.R. Tillman.

On May 30, 2006, your Board approved extension of the West Altadena Project Area Committee (PAC) for an additional 20 years and instructed me to hold an election for the PAC in accordance with previously approved procedures. The election was duly noticed and held on July 24, 2006. In accordance with the Procedures, the appeal period for contesting the election expired on August 8, 2006, fifteen days after the election. On August 9, 2006, at 5:03 p.m., C.R. Tillman submitted the attached memo to the Executive Office of the Board. The following are his verbatim objections and the CDC's responses:

Objection No. 1: Bill Johnson of CDC disqualified several voters and/or candidates during the registration period of said election, who might have been qualified if the procedures adopted 2-2000 were applied fairly.

Response: All eligible candidates and voters were allowed to participate in the election.

The Procedures established four membership interest categories for the PAC: residential owner occupant; residential tenants; business persons; and, representatives of existing community organizations.

Section 303 of the Procedures (all section references are to the adopted Procedures) requires the CDC to conduct an Informational Meeting in advance of the Election Meeting. The Informational Meeting was publicized in advance by written notice by first-class mail to all residences, businesses, property owners, and community organizations within the Project Area forty days prior to the Election Meeting. At the Informational Meeting on June 26, 2006, every attendee was given an informational packet including, among other items, the documentation requirements for candidates and voters. These documentation requirements for each membership interest category were reviewed during the Informational Meeting on June 26, 2006.

Section 303 allows candidates and voters to pre-qualify by returning the required documentation to the CDC offices prior to the Election Meeting, and Section 515 allows candidates and voters to provide the documentation at the Election Meeting.

Every candidate and every person requesting to vote was required to show documentation in accordance with the Procedures. Persons without the proper documentation were not given a ballot. At the Election Meeting, C.R. Tillman submitted documentation seeking candidacy for the business persons category. The documentation provided was of property ownership within the Project Area, but not proof that he operated a business at that location. Section 211 defines a business person as a person engaged lawfully in a retail business, manufacturing business, or service business. Section 508 requires documentation of business person status by providing a copy of any of the following: County business license, state seller's permit, fictitious name statement, partnership agreement, or similar document. C.R. Tillman was therefore not eligible for candidacy in the business persons category.

Objection No. 2: Failure of CDC to post and have voting registration materials at predesignated locations.

Response: Section 300 requires publicizing the opportunity to serve on the PAC. CDC mailed written notice of the Informational Meeting and Election Meeting to all residences, businesses, property owners, and community organizations within the Project Area 40 days prior to the Election Meeting. In accordance with Section 302, Notice of the Opportunity to Serve was published in the Los Angeles Times on June 18 and the Pasadena Star News on June 20. In addition, public notice of the election was posted in accordance with Section 304 at the following seven locations within the community: Jack-In-The-Box Restaurant; Matt's Pharmacy; Bob Lucas Memorial Library; Altadena Main Library; Loma Alta Park; Business Technology Center; and, Jackson Elementary School.

Separate from the above noticing requirements, an information packet with voting registration materials and other documents required by Section 303, was distributed by CDC at the Informational Meeting of June 26. The CDC announced at the Informational Meeting that additional information packets would remain available at the Business Technology Center and distributed reference copies of the information packet to the Bob Lucas Memorial Library and the Altadena Municipal Library.

Objection No. 3: Having the voting take place after a regular meeting of the PAC gives incumbents an advantage.

Response: The Election Meeting was scheduled to take place immediately after the regularly scheduled PAC meeting since those persons most likely to be interested in the PAC election would be in attendance. The Procedures do not require the Election Meeting be held on a separate day from regular PAC meetings. The same procedure was followed in the previous three elections without any concerns expressed.

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Objection No. 4: Failure to allow write in candidates for a category which had sufficient number of candidates, i.e., homeowners.

Response: Section 515 allows nominations for write-in candidates at the Election Meeting "if no candidates or an insufficient number of candidates have nominated themselves" for an interest category. The category of residential owner occupant was to be filled with four members, and five candidates nominated themselves and provided suitable documentation prior to the election. Therefore, no write-in candidates were allowed for this category.

Objection No. 5: Failure to accept two property owners as a real estate business which would allow them to vote.

Response: C.R. Tillman did not provide proof that he operated a business at his site as required by Section 508. Section 211 defines a business person as a person engaged lawfully in a retail business, manufacturing business, or service business. Section 508 requires documentation of business person status by providing a copy of any of the following: County business license, state seller's permit, fictitious name statement, partnership agreement, or similar document.

The only relevant documentation C.R. Tillman provided was a Supplemental Property Tax bill that indicated he was a property owner. Property owners are not an eligible interest category according to the Procedures unless they are residential owner occupants.

Objection No. 6: I [C.R. Tillman] incorporate all the objections lodged in the three previous election[s] which are applicable in principal to this election.

Response: This is not a challenge to the 2006 PAC election. The Board certified each of the previous three elections after receiving responses to the objections of C.R. Tillman from the CDC.

Objection No. 7: Object to CDC being involved in the election process due to potential bias.

Response: The CDC categorically denies the accusation. Section 303 requires the CDC to conduct the Informational Meeting, Section 515 requires the CDC to register candidates, and Section 516 requires the CDC to register voters. Section 518 requires the Pasadena League of Women Voters to tally the ballots at the Election Meeting, and two representatives performed the duty on July 24, 2006.

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Objection No. 8: Failure to simplify voter verification process.

Response: The voter verification process was clearly spelled out in the written Procedures and at the Informational Meeting held on June 26. Verification of eligibility included showing common identification items such as a driver's license (residential tenants), property tax bill or deed of trust and drivers license (residential owner occupants), or business license or seller's permit for a business. Candidates and voters were given an opportunity to provide such documentation up to the time the polls closed at 8:00 p.m. on July 24.

Objection No. 9: Failure to disqualify the community organization candidates for violating the state mandate that the community organizations be located within the project area.

Response: Section 510 requires existing community organizations to "show evidence of the existence and/or operation of the organization within the Project Area." The organizations deemed eligible candidates provided copies of by-laws that showed they served the area, even if they did not have an office or facility located within the Project Area boundaries. Community organizations need only operate within the Project Area and need not have their principal places of business within the Project Area in order to be eligible for a PAC seat in the community organization category.

Objection No. 10: CDC and their counsel fraudulently obtaining extension of eminent domain for another 12 years in August 1998 which triggered the election of a PAC for 6 years.

Response: This is not a challenge to the 2006 PAC election. Moreover, although not required to do so, in February 2000 the Board of Supervisors approved procedures for the formation of the West Altadena PAC in order to provide enhanced community involvement in planned and future redevelopment activities in the Project Area. The Board extended the PAC on May 30, 2006.

In summation, the CDC found that all of C.R. Tillman's challenges to the July 24, 2006 West Altadena Redevelopment Project Area PAC election are without merit and requests that your Board certify the election.

Attachment: 1

cc: Each Deputy